

A RESOLUTION BY

COMMITTEE ON COUNCIL

A RESOLUTION AUTHORIZING THE APPOINTMENT OF THREE COUNCILMEMBERS TO THE EMERGENCY TASK FORCE CREATED BY FULTON COUNTY TO ADDRESS THE WATER AND SEWER ISSUES FACING THE CITY AND COUNTY; AND FOR OTHER PURPOSES.

WHEREAS, the Fulton County Board of Commissioners has adopted a resolution supporting the creation of an Emergency Task Force consisting of state, county and city officials for the purpose of exploring options to solve the sewer/water issues facing the City of Atlanta and Fulton County; and

WHEREAS, the resolution authorized the appointment of three City of Atlanta councilmembers; and

WHEREAS, pursuant to the city code of ordinances, councilmembers have been given an opportunity to make a selection.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:

SECTION 1:

That the following councilmembers are hereby appointed to the Fulton County Emergency Task Force (Water/Sewer):

- (1) Councilmember Clair Muller
- (2) Councilmember Felicia A. Moore
- (3) Councilmember Mary Norwood

A true copy,

Deputy Clerk

**ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403**

December 1, 2003

December 10, 2003



BALLOT TABULATION

ATLANTA CITY COUNCIL - 03-R-2211

**NOMINEES TO THE EMERGENCY TASK FORCE
EXPLORING OPTIONS TO SOLVE THE SEWER/WATER ISSUES FACING
THE CITY OF ATLANTA AND FULTON COUNTY**

Hon. Carla Smith	[]
Hon. Debi Starnes	[5]
Hon. Ivory Lee Young, Jr.	[]
Hon. Cleta Winslow	[4]
Hon. Natalyn Mosby Archibong	[]
Hon. Anne Fauver	[]
Hon. Howard Shook	[]
Hon. Clair Muller	[8]
Hon. Felicia A. Moore	[10]
C.T. Martin, Jr.	[5]
Hon. Jim Maddox	[]
Hon. Derrick Boazman	[]
Hon. Ceasar C. Mitchell	[]
Hon. Mary Norwood	[9]
Hon. H. Lamar Willis	[3]


SIGNATURE **MUNICIPAL CLERK**

December 01, 2003

Seq. 2-1852. Procedures for appointments of councilmember to a board, commission or authority.

Whenever it is required that a member of the council shall be appointed by the council to a board, commission or authority, the following procedures shall be used:

(1) *Nomination.*

- a. Written notification of the vacancy shall be received from the president by the committee on the council.
- b. Upon receipt of written notification of the vacancy the committee on the council shall, by resolution, submit the names of all councilmembers to the full council.
- c. An individual councilmember may request, either in writing or orally at a meeting of the council, that such councilmember's name be withdrawn from consideration.
- d. Councilmembers whose names have been referred to the committee on council shall submit a letter to the committee on council confirming their willingness and availability to serve, as well as any other pertinent information. Such information shall be forwarded to all members of the council for the vote.

(2) *Voting procedures.*

- a. *One vacancy.* When only one vacancy exists and the name of only one councilmember has been placed in nomination, the vote shall be taken electronically. If there is more than one nomination for such vacancy, the municipal clerk shall issue, to the councilmembers, a paper ballot on which all nominees' names are printed. Councilmembers shall circle the names of the nominees of their choice, sign the ballots and return them to the municipal clerk. The municipal clerk shall then tally, or cause the ballots to be tallied, and announce the results. Such ballots shall become a part of the official record.
- b. *Multiple vacancies.* When more than one vacancy exists, the municipal clerk shall issue, to all councilmembers, one ballot for each existing vacancy. Councilmembers shall circle the names of their choices on each ballot (one per ballot), sign the ballots and return them to the municipal clerk. The clerk shall tabulate, or cause the ballots to be tabulated, and announce the vote.

(Code 1977, § 1-1046)

BOARD OF COMMISSIONERS OF FULTON COUNTY



November 25, 2003

The Atlanta City Council
Atlanta City Hall
55 Trinity Avenue, S.W.
Suite 2900
Atlanta, Georgia 30335

DEC 2003

Dear Council Members:

As you know, the Fulton County Board of Commissioners adopted the attached resolution at its November 19 meeting (Attachment 1). The resolution supported the creation of an Emergency Task Force consisting of state, county and city officials for the purpose of exploring options to solve the sewer/water issues facing the City of Atlanta and Fulton County in a manner that does not unduly overburden our citizens. The results of this effort will be submitted to the Mayor and the City Council for their consideration.

Task Force members identified below met on November 24th:

- State Senator Tom Price
- State Representatives Sharon Beasley-Teague, Mark Burkhalter, Nick Moraitakis, and Joseph Wilkinson
- Fulton County Commissioners Karen Handel, Emma Darnell and Bill Edwards
- Union City Mayor Ralph Moore
- City of Atlanta Deputy Commissioner George Barnes (representing Mayor Franklin)

Because the City Council had not yet appointed its official members of the Task Force, the meeting was open to any member of the City Council who wished to attend. Those present were, City Council Members Natalyn Mosby Archibong, C.T. Martin, and Mary Norwood.

Fulton County Public Works staff presented the following information:

- Brief overview of the City's Plan (note: City of Atlanta staff was invited to present this information but scheduling conflicts did not allow this.)
- Synopsis of process used by Fulton County to develop its Capital Improvement Program Business Plan
- Policy, financial, and technical alternatives for consideration

A copy of the entire presentation is attached for your review and information (Attachment 2).

We are well aware that the water/sewer issues are very complex and that a great deal of time and energy has already been devoted to developing the technical and financial plan. However, the Task Force believes that the current proposal to triple sewer rates to fund the water/sewer program places an extraordinary financial burden on our citizens and that we must exhaust all avenues for alternative funding sources before proceeding.

We would greatly appreciate a briefing from the City of Atlanta that outlines all of the funding alternatives considered and reviews the cost modeling/analysis that was employed to determine the current funding direction. In the meantime, we have begun identifying alternatives and present to you various options (see Attachment 3), such as debt refinancing, asset reduction, impact (tap) fees, for analysis as a potential revenue source to offset the rate increases. This list is by no means a complete list, and we will continue to explore other options.

We recognize that your process may well have considered some of these options. However, members of the Task Force feel that creative funding alternatives can and must be developed to ease the burden that relying solely on rate increases places on City and County ratepayers.

We offer our support and assistance in working with you to seek a fairer, less burdensome financing package, and the County will make available to the City members of the County Public Works team, including Tim Equels, to work with the Watershed Management Department officials in any way that will be helpful.

The members of the Task Force also respectfully urge the Mayor and the City Council's consideration of the following:

- Postpone the City Council vote on rate increases
- Develop and present for debate a capital program that includes alternative funding sources
- Continue to seek reassessment of the Financial Capability Assessment Affordability Analysis and extension of time for CSO Consent Decree compliance

Our Task Force shares your goals of providing clean drinking water and safe wastewater for our citizens and for those who live near the rivers and streams in Georgia. Our Task Force stands ready and willing to assist the city, and we are confident that, through our joint efforts, we can be successful in addressing the water/sewer situation and reducing the burden on all of our citizens.

Sincerely,

Karen C. Handel
Chairman, Fulton County Commission
on behalf of the Emergency Task Force on Water/Sewer

Attachments

1 **RESOLUTION URGING THE CITY OF ATLANTA TO REEVALUATE THE**
2 **FINANCIAL IMPACT AND AFFORDABILITY ANALYSIS ASSOCIATED WITH**
3 **ITS CSO REMEDIAL MEASURES PLAN AND IDENTIFY MECHANISMS TO**
4 **REDUCE THE PROJECTED HIGH FINANCIAL BURDEN OF THE PLAN ON THE**
5 **AFFECTED RATEPAYERS; TO OPPOSE THE IMPLEMENTATION OF A**
6 **SPECIAL PURPOSE LOCAL OPTION SALES TAX (“SPLOST”) FOR SUCH**
7 **PURPOSES; TO SUPPORT THE CREATION OF AN EMERGENCY TASK FORCE;**
8 **AND FOR OTHER PURPOSES**

9 **WHEREAS**, to address its violations of the Clean Water Act that have impacted
10 the Chattahoochee River, the City of Atlanta entered into Consent Decrees committing to
11 perform, among other things, a System Evaluation Study, conduct Remedial Measures,
12 engage in certain Sewer Separation Projects, and implement a Greenway Acquisition
13 Program and a Stream Cleanup Program; and

14 **WHEREAS**, the United States Environmental Protection Agency (“EPA”) has
15 approved the City of Atlanta’s Remedial Measures Plan to address problems concerning
16 its Combined Sewer Overflows (“CSO”) system and comply with the Clean Water Act,
17 the Georgia Water Quality Control Act and its National Pollution Discharge Elimination
18 System (NPDES) permits; and

19 **WHEREAS**, the City of Atlanta has announced that implementation of its
20 Remedial Measures Plan will result in substantially higher sewer rates for the users and
21 ratepayers of its sewer system, most of whom reside in incorporated and unincorporated
22 Fulton County; and

23 **WHEREAS**, to offset the massive expense of implementing its Remedial
24 Measures Plan, the City of Atlanta has lobbied the State of Georgia and the federal
25 government for financial assistance and sought a high financial burden designation from
26 EPA through its initial financial impact and affordability analysis; and

1 **WHEREAS**, to further support its position that its Remedial Measures Plan
2 would have a high financial burden on affected communities, the City of Atlanta
3 supplemented its Financial Impact and Affordability Analysis in July of 2001 and revised
4 same in February of 2002; and

5 **WHEREAS**, after analyzing the information provided by the City of Atlanta in its
6 revised Financial Impact and Affordability Analysis, and in reliance on this information,
7 on May 6, 2002 the EPA made a determination that the City of Atlanta's financial
8 capability for funding the Remedial Measures Plan will have a median financial burden
9 designation instead of the higher designation the City of Atlanta desired; and

10 **WHEREAS**, in reaching the median financial burden designation, the EPA
11 commented specifically on several aspects of the analysis submitted by the City of
12 Atlanta in support of the City of Atlanta's position that its financial capability assessment
13 should be designated as having a high financial burden on affected communities; and

14 **WHEREAS**, the EPA commented that the City of Atlanta's establishment of a
15 construction cost contingency of forty (40%) percent was a significant part of the nearly
16 \$2 billion projected cost estimate for the City of Atlanta to comply with the Consent
17 Decrees, and suggested that this high contingency lessened the credibility of the overall
18 estimate; and

19 **WHEREAS**, the EPA also pointed out that the City's plan for funding of its
20 Remedial Measures Plan relies solely on increasing the sewer rates for the existing
21 customers, and that the City of Atlanta could have, among other alternatives, reduced its
22 cost estimates by factoring grants and/or low interest loans that the City of Atlanta may
23 obtain; and

24 **WHEREAS**, the EPA further commented that the City of Atlanta did not consider
25 achieving a reduction of its financial burden by having stormwater dischargers, which
26 have a great impact on the sizing and the cost of the sewerage facilities by contributing
27 most of the flows and significant pollutant loads to the combined sewer overflows, share

1 in the cost of financing the construction, operation, and maintenance of these facilities;
2 and

3 **WHEREAS**, while the City of Atlanta submitted to the EPA a request for
4 approval of its refinement to its Remedial Measures Plan in October of 2002, it appears
5 that the City of Atlanta has not revised its affordability analysis in light of this
6 refinement; and

7 **WHEREAS**, the citizens of incorporated and unincorporated Fulton County are
8 being asked to support the ever-increasing costs of funding various services and
9 programs; and

10 **WHEREAS**, the City of Atlanta has requested that Fulton County authorize and
11 support a SPLOST referendum on the ballot to institute an additional one percent (1%)
12 sales tax throughout Fulton County; and

13 **WHEREAS**, the Finance Director of Fulton County has estimated, based on a
14 study published in the National Tax Journal, that an increase in the sales tax levied in
15 Fulton County from seven percent (7%) to eight percent (8%) would result in a decrease
16 of 6.33% in sales tax revenues, equaling an approximate loss to the Fulton County
17 General Fund in the amount of \$4.1 million; and

18 **WHEREAS**, it is estimated that the City of Atlanta will lose approximately \$5.07
19 million in sales tax revenues, based on a similar 6.33% decrease, should there be an
20 increase in the sales tax levied in Fulton County from seven percent (7%) to eight percent
21 (8%); and

22 **WHEREAS**, based on the analysis of the projected loss of sales tax revenues, on
23 August 6, 2003, a vote to move forward with a referendum to place the additional one
24 percent (1%) sales tax increase on the ballot failed before the Fulton County Board of
25 Commissioners; and

26 **WHEREAS**, there is a related need for Fulton County to avoid property tax
27 increases, so as not to further burden taxpayers; and

1 **WHEREAS**, the Board of Commissioners recognizes the seriousness of the City
2 of Atlanta's situation and is committed to working in a partnership to help resolve these
3 matters in a way that best serves all the citizens and taxpayers of Fulton County; and

4 **WHEREAS**, the Board of Commissioners supports the creation of an emergency
5 task force comprised of elected officials from various governments in Fulton County,
6 consisting of Fulton County Commission Chair Karen C. Handel, Commissioner Emma I.
7 Darnell, Commissioner William "Bill" Edwards, Commissioner Tom Lowe, one member
8 appointed by Atlanta City Mayor Shirley Franklin, three members of the Atlanta City
9 Council appointed by the City Council, Union City Mayor Ralph Moore, State Senator
10 Tom Price, State Representative Joe Wilkinson, State Representative Mark Burkhalter,
11 State Representative Nick Moraitakis, State Representative Sharon Beasley-Teague, and
12 State Representative Roger Bruce for the purpose of identifying options and funding
13 alternatives to solve the City of Atlanta's sewer issues in a manner that will not unduly
14 burden the citizens of Fulton County; and

15 **WHEREAS**, with these goals in mind, the Board of Commissioners believes that
16 it would be in the best interest of the citizens of incorporated and unincorporated Fulton
17 County if the City of Atlanta revisited its financial capability assessment by considering
18 alternative methods for funding the Remedial Measures Plan, especially methods that will
19 lessen the financial burden that will be cast upon low and moderate income families,
20 seniors and Atlanta employers; and

21 **NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners
22 understands the severity of this situation and the impact it has on our entire county, and
23 we are committed to working with the City of Atlanta and other jurisdictions within the
24 county, region, state, and federal government in working toward a solution that addresses
25 the requirements of the court consent decree and that does not unduly overburden our
26 citizens;

27 **BE IT FURTHER RESOLVED**, that the Board of Commissioners urges the

1 City of Atlanta to submit to the EPA a revised Affordability Analysis Study that examines
2 other means of funding for its Remedial Measures Plan, such as, but not limited to, 1)
3 considering a stormwater utility program that assesses a separate charge directly against
4 stormwater dischargers so as to avoid unfairly burdening sewer ratepayers with
5 stormwater management costs, 2) putting into operation innovative uses of sewer impact
6 fees to ensure that the cost of the system is more equitably distributed, and 3) exploring
7 alternative ways of convincing the EPA that the Remedial Measures Plan does place a
8 high financial burden on the affected communities.

9 **BE IT FURTHER RESOLVED**, that the Board of Commissioners respectfully
10 urges and requests that the City of Atlanta take additional steps to reduce the projected
11 financial impact on Fulton County residents, both in unincorporated and incorporated
12 areas, particularity with respect to senior citizens, low income families, middle income
13 families, and other vulnerable populations.

14 **BE IT FURTHER RESOLVED**, that the Board of Commissioners supports the
15 creation of an emergency task force consisting of Fulton County Commission Chair
16 Karen C. Handel, Commissioner Emma I. Darnell, Commissioner William "Bill"
17 Edwards, Commissioner Tom Lowe, one member appointed by Atlanta City Mayor
18 Shirley Franklin, three members of the Atlanta City Council appointed by the City
19 Council, Union City Mayor Ralph Moore, State Senator Tom Price, State Representative
20 Joe Wilkinson, State Representative Mark Burkhalter, State Representative Nick
21 Moraitakis, State Representative Sharon Beasley-Teague, and State Representative Roger
22 Bruce, for the purpose of exploring options to solve the City of Atlanta's sewer issues in a
23 manner that will not unduly burden the citizens of Fulton County, with the mission of this
24 task force being to identify options and explore funding alternatives to solve the City of
25 Atlanta's sewer issues in a manner that will not unduly burden the citizens of Fulton
26 County.

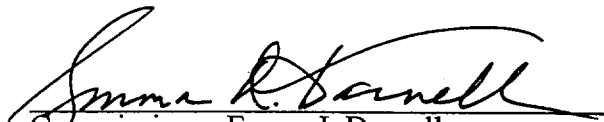
27 **BE IT FURTHER RESOLVED**, that the County Manager is directed to

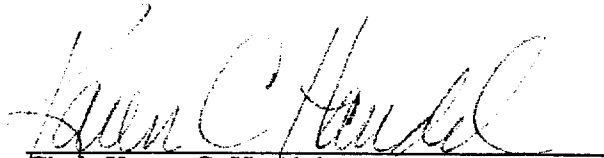
1 immediately deliver a copy of this Resolution to the Honorable Mayor and the members
2 of the City Council of the City of Atlanta upon adoption.

3 **BE IT FURTHER RESOLVED**, that this Resolution shall become effective
4 when adopted, and that all resolutions and parts of resolutions in conflict with this
5 Resolution are repealed to the extent of such conflict.


6 **SO PASSED AND ADOPTED**, this 19th day of November, 2003

7
8 Sponsored by:

9
10 
11 Commissioner Emma I. Darnell
12 District 5
13
14

15 
16 Chair Karen C. Handel
17 District 1, At Large
18
19
20
21

22 **ATTEST:**

23
24 
25 Mark Massey, Clerk to the Commission
26
27
28

29
30 **APPROVED AS TO FORM:**

31
32 
33 Overtis Hicks Brantley, County Attorney
34
35

2003-1342 11/19/03

RCS# 5268
12/02/03
3:06 AM

Atlanta City Council

Regular Session

03-R-2211

FULTON COUNTY
EMERGENCY TASK FORCE APPOINTEES
ADOPT

YEAS: 12
NAYS: 1
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	NV Maddox	NV Willis
Y Winslow	Y Muller	N Boazman	NV Woolard

03-R-2211

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(Do Not Write Above This Line)

A RESOLUTION BY

COMMITTEE ON COUNCIL

A RESOLUTION AUTHORIZING THE APPOINTMENT OF THREE COUNCILMEMBERS TO THE EMERGENCY TASK FORCE CREATED BY FULTON COUNTY TO ADDRESS THE WATER AND SEWER ISSUES FACING THE CITY AND COUNTY; AND FOR OTHER PURPOSES.

ADOPTED BY

DEC 01 2003

COUNCIL

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☒ PERSONAL PAPER REFER, ADOPTED

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

Committee

Date

Chair

Action
Fav, Adv, Hold (see rev. side)
Other

Members

Committee

Date

Chair

Action
Fav, Adv, Hold (see rev. side)
Other

Members

Refer To

Refer To

Committee

Date

Chair

Action
Fav, Adv, Hold (see rev. side)
Other

Members

Committee

Date

Chair

Action
Fav, Adv, Hold (see rev. side)
Other

Members

Refer To

Refer To

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED
DEC 01 2003

ATLANTA CITY COUNCIL PRESIDENT
William W. Woodard

CERTIFIED
DEC 01 2003

Rachel Dugan Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

DEC 10 2003

WITHOUT SIGNATURE
BY OPERATION OF LAW